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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MELISSA BERARD, individually, SCOTT BERARD,
individually, DAMARIS BERARD, individually,

Plaintiffs,

vs.

CHRISTINE ANNETTE DALE, individually, DOES I-
X, and ROE CORPORATIONS I-X,

Defendant.

Case No. 2:21-cv-01855-JCM-BNW

**PROPOSED JOINT DISCOVERY PLAN AND
SCHEDULING ORDER**

**SUBMITTED IN COMPLIANCE
WITH LOCAL RULE 26-1(b)**

Pursuant to Local Rule 26-1(b), Plaintiffs Melissa, Scott, and Damaris Berard, by and through their counsel, The Powell Law Firm, and defendant Christine Anette Dale, by and through her counsel of Kravitz, Schnitzer, Johnson, Watson & Zeppenfeld, Chtd., hereby submit this proposed joint discovery plan and scheduling order.

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1 **Rule 26(f) conference**

2 Tom W. Stewart for the plaintiffs and M. Bradley Johnson for the defendant participated in
3 the Rule 26(f) conference on **December 3, 2021** and there were no discovery disputes at that time.
4
5 The parties agreed to exchange their initial disclosure statements in a timely manner and agree to
6 submit any supplements in a timely manner. Although the parties had not previously exchanged
7 disclosure statements, counsel discussed the allegations in this case and the damages claimed in this
8 suit. After the discussions by counsel and due to the fact that no discovery was conducted in the state
9 court proceedings, counsel believe that six months will be needed to complete discovery.
10 Accordingly, counsel request 180 days from the date of the Rule 26 discovery to complete discovery.
11
12 The parties' proposed discovery schedule is below:

13 1. **Discovery Cut-Off Date:** Defendant filed its notice of removal on **October 7, 2021**
14 and the parties are requesting 180 days for discovery from the date of the Rule 26(f) discovery
15 conference. Prior to filing the notice of removal counsel had not conducted any discovery and counsel
16 will need six months to recover medical records in order to retain experts and timely disclose their
17 opinions. Thus, the parties request a discovery cut-off date of **June 3, 2022**—180 days after the Rule
18 26(f) conference.
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20 2. **Amending the Pleading and Adding Parties:** The parties request that all motions to
21 amend the pleadings or to add parties be filed no later than **March 4, 2022**—90 days prior to the
22 proposed close of discovery.
23

24 3. **Rule 26(a)(2) Disclosures (Experts):** The parties request the disclosure of expert be
25 made on or before **April 4, 2022**—60 days before the proposed discovery cut off date. Disclosure of
26 rebuttal experts shall be made by **May 6, 2022**—32 days after the initial disclosure of experts.
27
28

1 5. **Dispositive Motions:** The date for filing dispositive motions shall be no later than
2 **July 5, 2022**—32 days after the proposed discovery cut-off date. If the discovery period is extended
3 from the discovery cut-off date set forth in this proposed discovery plan and scheduling order, the
4 date for filing dispositive motions shall be extended to be not later than 30 days from the subsequent
5 discovery cut-off date.
6

7 6. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than
8 **August 4, 2022**—30 days after the cut-off date for filing dispositive motions. If dispositive motions
9 are filed, the date for filing the joint pretrial order shall be suspended until 30 days after decision on
10 the dispositive motions or until further order of the court. In the even that the discovery period is
11 extended from the discovery cut-off date set forth in this discovery plan and scheduling order, the
12 date for filing the joint pretrial order shall be extended in accordance with the time periods set forth
13 in this paragraph.
14

15 7. **Rule 26(a)(3) disclosures:** The disclosures required by Rule 26(a)(3), and any
16 objection thereto, shall be included in the joint pretrial order.
17

18 8. **Alternative Dispute Resolution:** Counsel for the parties certify that they met and
19 conferred about the possibility of using alternative dispute resolution including mediation, arbitration
20 and/or an early neutral evaluation. The parties agree that an early neutral evaluation would not be
21 effective at this time as the parties and their counsel believe that it is necessary to conduct discovery
22 before attempting to resolve this case. Counsel further agree that a settlement conference will be
23 beneficial after discovery is concluded. Finally, the parties and their counsel are not interested in
24 submitting this case to arbitration.
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1 9. **Alternative Forms of Case Disposition:** The parties certify that they discussed
2 consenting to trial by a magistrate judge or engaging in the short trial program under Rule 73 and at
3 present do not consent to either alternative form of case disposition.
4

5 10. **Electronic Evidence:** The parties certify that they have discussed and intended to use
6 electronic evidence at the trial of this matter and will ensure that said evidence is in an electronic
7 format compatible with the court's electronic jury evidence system. At present, the parties have not
8 agreed upon any stipulations regarding use of electronic evidence but will address this issue again in
9 the pre-trial order.
10

11 11. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any
12 stipulation or motion must be made no later than 21 days before the subject deadline. Requests to
13 extend discovery deadlines must comply fully with Local Rule 26-3.
14

15 Dated December 10, 2021.

16 **THE POWELL LAW FIRM**

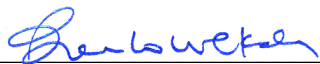
17
18 /s/ Tom W. Stewart
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23 **ORDER**

24 IT IS SO ORDERED.

25
26 
27 UNITED STATES MAGISTRATE JUDGE
28 DATED: December 13, 2021